

NORTHWEST ARCTIC BOROUGH

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December 3, 2008

Commissioner Tom Irwin
Alaska Department of Natural Resources
550 W. 7th. Avenue, Suite 1400
Anchorage, AK 99501

Dear Commissioner Irwin;



The Northwest Arctic Borough is glad to submit these initial comments to the proposed changes to the Alaska Coastal Management Program (ACMP) statutes and regulations. We are currently reviewing all of the proposed changes, but I would like to bring a few critical issues to your attention early in the process.

I appreciate some of the positive changes proposed for the program such as bringing the Alaska Department of Environmental Conservation (DEC) authorizations back into the consistency review process. It was difficult to separate project effects to air and water quality from effects to habitat or subsistence. Bringing DEC back into the process is a positive step in recognizing the connection between all aspects of the environment and the interaction between valuable coastal resources and the people who use them.

As you may know, during the past few years the Borough along with other ACMP district leaders have repeatedly emphasized the valuable importance of the positive working relationships between the State of Alaska and coastal districts. However, the proposed changes to the ACMP would diminish the role of the coastal districts, and rather continue a contradictory approach by ACMP staff/administration of "the state way or the highway." As you can imagine, this is very damaging to the working relationships between the State and its municipalities that participate in the ACMP program.

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I am especially concerned about proposed changes to the statutes/regulations that would make it even more difficult for districts to establish enforceable policies under the program. From our perspective, these proposed changes would be far more damaging than the changes made by the Murkowski Administration in 2003. This current situation is especially surprising given Governor Palin's commitment during her gubernatorial campaign to reevaluate the ability of coastal districts to establish enforceable policies, especially for subsistence.

In our review, the proposed changes present a "catch 22" situation that place both unnecessary and unrealistic bureaucratic administrative burdens on coastal districts to implement effective plans and policies at the local level. For example, according to the proposed changes a district may not establish policies for matters authorized by a state or federal agency unless the agency gives approval. Also at the same time, a district may not establish policies for matters not authorized by a state or federal agency. As you know, the authorities of government agencies are broad and can be very complex, and individual agency's authority can overlap with another agency's authority with the extent of that authority limited by land management responsibilities or other permitting powers. I do not see how the Department of Natural Resources will be able to sort this out (let alone coastal districts that are granted just \$17,000 a year with much less resources). I also anticipate that it will only lead to negative ACMP program decisions that reject meaningful district policies that should be part of balanced resource development that respect rural communities and Alaskan's input.

In reviewing the proposed statutes, I do not see any plans to create a public involvement body such as the former Coastal Policy Council. I am disappointed in this decision as public involvement is critical to any public process and such as valuable resource to program administrators. For the ACMP program in particular, there is a need for an objective public body to oversee major decisions of the program. I feel this is one of the

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only effective ways for the department and program to regain the trust of the Alaskan stakeholders.

It is clear from the comments submitted by the various stakeholders that the ACMP is broken. Unfortunately, the proposed changes do little to fix the problems and provide solutions to engage coastal districts in effective partnership with the ACMP. I believe one solution would be to decentralize the program to encourage meaningful local participation. This is especially important because the resources that fuel the Alaska economy are located in rural Alaska. Decentralizing the program would involve a meaningful role for coastal districts, hiring state workers with rural experience, and stationing state personnel in rural areas; decentralizing the program provides an important bridge of communities to program administrators.

As I mentioned, the Borough is still reviewing the proposed changes to the ACMP statutes and regulations. However, our staff is having difficulty understanding why many of our suggested changes were rejected (including the recommendations made by our Borough Planning Commission) and why lengthy bureaucratic changes have been introduced by state personnel. The Borough requests that the Alaska Department of Natural Resources respond to comments and provide a sectional analysis explaining the justification for the proposed changes.

Again, the purpose of this letter is to express our disappointment with the draft statutes and regulations, and encourage you to reconsider measures to provide coastal districts' meaningful participation in the ACMP. The Northwest Arctic Borough plans to participate in the December 8 – 10, 2008, meetings in Anchorage on the ACMP reevaluation, and we will submit more extensive comments by the December 23 deadline. Taikuu / thank you for your time.

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Sincerely,

With Respect,
Siikauraq

Mayor Siikauraq Whiting,

Cc: Randy Bates, Director DCOM – State of Alaska
Ukallaysaaq Tom Okleasik, Planning Director
Alagialq Grant Hildreth, Deputy Planning Director
Kill'aq John Chase, Community Planner and Coastal Area Specialist
Nuna Glenn Gray, Borough Consultant
Kumak Dave Case, Borough Attorney

